

September \_\_, 1997

Superfund Records Center  
SITE: Ciba-Geigy  
BREAK: 19.00  
OTHER: 638022

Rachel E. Deming, Esq.  
Environmental Remediation Counsel  
Legal Department  
Ciba Specialty Chemicals Corporation  
560 White Plains Road  
Tarrytown, New York 10591

Dear Mr. Rosen and Ms. Deming:

I am writing in response to Ms. Deming's letter of July, 1997, regarding Ciba Specialty Chemicals Corporation' ("Ciba") intent to transfer ownership of a portion of its Cranston, Rhode Island facility to the City of Cranston. In that letter, Ms. Deming asked whether EPA would be willing to give the City of Cranston some kind of assurance that the transfer of the property would not subject the City to liability for the remediation activities that Ciba is currently conducting at its facility. My response is based on the facts presently known to the United States Environmental Protection Agency ("EPA") and is provided solely for informational purposes. For the reasons stated below, EPA does not presently contemplate that it would take action against the City of Cranston for cleanup of the Ciba facility under either a) the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), or b) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

Why No Action Currently is Contemplated under RCRA

Congress passed RCRA to regulate the "cradle to grave" management of hazardous wastes. RCRA also contains several cleanup authorities that EPA may invoke to remedy the release of hazardous waste into the environment, including RCRA Section 3008(h), 42 U.S.C. 6928(h), RCRA Section 7003, 42 U.S.C. 6973, and RCRA Section 3004 (u) and (v). EPA does not presently contemplate that it would take action against the City of Cranston under RCRA for the following reasons:

- a) According to the information currently available to EPA,



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RCRA. Therefor, EPA anticipates no need to take additional Superfund enforcement, investigatory, cost recovery, or cleanup action at this archived site unless new information warranting further Superfund consideration or conditions not previously known to EPA regarding the site are discovered. EPA will maintain a dialogue with the State of Rhode Island and will continue to refer archived sites to the states for their review and consideration. You may want to contact [Frank -- please insert state contact, address and phone #] for further information.

If you have any additional questions or wish to discuss this information, please feel free to contact Catherine Smith at (617) 565-4873.

Sincerely,

Catherine S. Smith

cc: [insert state contact]  
Frank Battaglia, EPA  
Audrey Zucker, EPA  
Dawn Messier, EPA HQ  
Elisabeth Freed, EPA HQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
1 CONGRESS STREET, SUITE 1100, BOSTON, MA 02114

**FACSIMILE**

**From:** Catherine Smith

**Phone Number:** (617) 918-1777

**To:** Rachel Deming

**Fax Number:** (914) 785-4831

**Date:** 6/8/99

**Subject:** Comfort letter

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As discussed today, here is a draft of the comfort letter with management-approved language regarding Stop & Shop's agreement to implement the remedy at the portion of the Ciba Site that it is buying. Please let me know if we should go ahead and finalize the letter. Thanks, Rachel.

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All electronic CIBA  
files as of 8/29/08